

Expedited Bill No. 16-10
Concerning: Personnel - Retirement -
Imputed Compensation Limit
Revised: April 1, 2010 Draft No. 2.1
Introduced: April 6, 2010
Enacted: May 18, 2010
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Andrews, Trachtenberg, and Berliner

AN EXPEDITED ACT to:

- (1) amend the definition of regular earnings to limit certain imputed compensation under the employees' retirement system to FY10 only; and
- (2) generally amend the law regarding the employees' retirement system.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-35

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 33-35 is amended as follows:

Sec. 33-35 Definitions

In this Article, the following words and phrases have the following meanings:

* * *

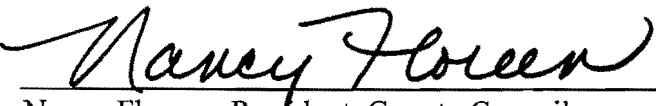
Regular earnings: Except as otherwise provided, gross pay for actual hours worked, not including overtime. To calculate regular [Regular] earnings, for FY10 only, a Group A, E, or H member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4.5% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. To calculate regular [Regular] earnings, for FY10 only, for a Group F member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4.25% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. To calculate regular [Regular] earnings, for FY10 only, for a Group G member who is employed on July 1, 2009 and participates in the integrated or optional plan must include amounts as if the member had received an increase of 4% in the member's gross pay as of July 1, 2009, except for the purpose of calculating a member's contribution under Section 33-39. Regular earnings for an elected official is gross pay for services rendered to the County. Regular earnings must not exceed the limit under Internal Revenue Code Section 401(a)(17), as adjusted by the Internal Revenue Service. Gross pay must be used to determine benefits even if the County implements a pick-up plan under Section 414 of the Internal Revenue Code. Gross pay must be used to determine benefits even if a member has agreed to a reduction in earnings under:

- 28 (a) the County's deferred compensation plan under Section 457 of the
29 Internal Revenue Code; or
30 (b) any statutory fringe benefit program sponsored by the County and
31 permitted by the Internal Revenue Code.

32 * * *

33 **Sec. 2. Expedited Effective Date.** The Council declares that this Act is
34 necessary for the immediate protection of the public interest. This Act takes effect
35 on July 1, 2010.

36 *Approved:*

37
38  5/21/10
Nancy Floreen, President, County Council Date

39 *Approved:*

40
Isiah Leggett, County Executive Date

41 *This is a correct copy of Council action.*

42
Linda M. Lauer, Clerk of the Council Date